

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re: Fairfield Sentry Limited, et al., Debtors in Foreign Proceedings.	Chapter 15 Case No. 10-13164 (BRL) Jointly Administered
Fairfield Sentry Limited (In Liquidation) et al., Plaintiffs, -against- Theodoor GGC Amsterdam, et al., Defendants.	Adv. Pro. No. 10-03496 (BRL)
Fairfield Sentry Limited (In Liquidation) et al., Plaintiffs, -against- ABN AMRO Schweiz AG, et al. Defendants.	Adv. Pro. No. 10-03635 (BRL) Administratively Consolidated
Fairfield Sentry Limited (In Liquidation) et al., Plaintiffs, -against- ABN AMRO Schweiz AG, et al. Defendants.	Adv. Pro. No. 10-03636 (BRL) Administratively Consolidated

DECLARATION OF FRANCESCO FIERLI

Under 28 U.S.C. §1746, I, Francesco Fierli, declare as follows:

1. I am the Chief Financial Officer at Banca Arner S.A. ("Banca Arner"), a defendant in the adversary proceedings captioned *Fairfield Sentry Limited (In Liquidation) et al., v. ABN AMRO Schweiz AG, et al.*, Adv. Pro. No. 10-03635 (BRL) (the "10-03635 Action") and

Fairfield Sentry Limited (In Liquidation) et al., v. ABN AMRO Schweiz AG, et al., Adv. Pro. No. 10-03636 (BRL) (the “10-03636 Action”). This declaration is based on my personal knowledge and my review of the books and records of Banca Arner.

2. At all relevant times, Banca Arner has been and remains a citizen of Switzerland, located at Piazza Manzoni 8, CH-6901 Lugano, Switzerland, with a branch office at Klausstrasse 19, CH-8008 Zurich, Switzerland.

3. On or around October 21, 2010, Plaintiffs attempted to serve Banca Arner with a copy of the Complaint against ABN AMBRO Schweiz AG, et al., filed in the 10-03636 Action by “International Registered Mail.” See Affidavit of Service, 10-3636 Action (Dkt. No. 54).¹

4. On or around May 10, 2011, Plaintiffs attempted to serve Banca Arner with a copy of the Second Amended Complaint against ABN AMRO SCHWEIZ AG a/k/a ABN AMRO (SWITZERLAND) AG, et al., filed in the 10-03635 Action by “International Registered Mail.” See Affidavit of Service, 10-3635 Action (Dkt. No. 91).²

5. Banca Arner has never agreed to be served with any summons and complaint (or any other court papers) by any form of mail, and has never agreed to waive the requirements of Swiss law or Switzerland’s requirements under the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (the “Hague Convention”).

¹ The 10-3636 Action was originated in Supreme Court of the State of New York in April 2011, but no court records show that Plaintiff attempted service upon Banca Arner until the case was removed to the United States Bankruptcy Court for the Southern District of New York on September 21, 2010.

² The 10-3635 Action was originated in Supreme Court of the State of New York in April 2011, but no court records show that Plaintiff attempted service upon Banca Arner until the case was removed to the United States Bankruptcy Court for the Southern District of New York on September 21, 2010 and the Complaint was amended on May 3, 2011.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 25th day of January, 2017.



Francesco Fierli

BANCA ARNER SA
Piazza Manzoni 8
Casella postale 5881
6901 LUGANO